**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.737 OF 1998**

**DATED: 22-02-2007**

Between :

A. Kannabiran .. Petitioner

And

The Commissioner, MCH, Hyderabad
And others. .. Respondents

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.737 OF 1998**

**ORDER :**

This writ petition is filed aggrieved by the alleged action of the respondents in proposing to construct a storm water drainage in the premises bearing No.5-4-181 and 5-4-182 (old No.8552), M.G. Road, Secunderabad. It is primarily contended that the petitioner is in possession and enjoyment of the said premises wherein he used to run an automobile garage. It is alleged that the respondents have been attempting to construct storm water drainage in the premises in question high-handedly.

Though Rule Nisi was ordered by this Court on 12-1-1998, no counter-affidavit is filed on behalf of the respondents contradicting the allegations made by the petitioner. The interim order dated 12-1-1998 restraining the respondents from proceeding with the construction of the storm water drainage continued to be in force throughout.

Having regard to the facts and circumstances of the case and in the absence of any counter-affidavit, I deem it appropriate to dispose of the Writ Petition with a direction to the respondents not to interfere with the possession of the petitioner in respect of the premises in question in any manner whatsoever without following due process of law. No costs.

G. ROHINI, J.

Dt. 22-2-2007
gbs